

Law Offices of

SENNIGER, POWERS, LEAVITT AND ROEDEL

One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102Telephone (314) 231-5400
Facsimile (314) 231-4342

FACSIMILE TRANSMITTAL COVER SHEET

DATE: January 19, 2004 ATTORNEY DOCKET NUMBER: KCC 4775
PTO FACSIMILE NUMBER: (703) 746-3383PLEASE DELIVER THIS FACSIMILE TO: Examiner Michael M. Kidwell
THIS FACSIMILE IS BEING SENT BY: Christopher M. Goff
NUMBER OF PAGES: 2 INCLUDING COVER SHEETTIME SENT: 12:35 pm OPERATOR'S NAME Donna Tucker

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to
the Patent and Trademark Office on the date shown below.Donna M. Tucker
Typed or printed name of person signing certificationDonna M. Tucker January 19, 2004
Signature DateType of paper transmitted: Applicant Initiated Interview
Request FormApplicant's Name: Kimberly-Clark Worldwide, Inc.Serial No. (Control No.): 09/998,500 Examiner: KidwellFiling Date: November 30, 2001 Art Unit: 3761Application Title: BREAST PAD ASSEMBLY CONTAINING A SKIN BENEFIT
INGREDIENTIF YOU DO NOT RECEIVE ALL PAGES CLEARLY, CALL BACK AS SOON AS
POSSIBLE. CONFIRMING NUMBER IS (314) 231-5400.

Applicant Initiated Interview Request Form

Application No.: 09/998,500 First Named Applicant: Beth A. Lange
 Examiner: Michele Kidwell Art Unit: 3761 Status of Application: Final Rejection
 Mailed December 17, 2003

Tentative Participants:

(1) Examiner Kidwell (2) Christopher M. Goff (Reg. No. 41, 785)

Proposed Date of Interview: Thurs., Jan. 22, 2004 Proposed Time: 11:00 (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc.)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Rejection	1-71	Buckley et al. Allen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

Brief Description of Arguments to be Presented:

The Office has failed to consider the arguments made by Applicants in Amendment A. In the "Response to the Arguments" section of the final Office action, the Office states that Applicants' arguments of Amendment A are not persuasive as the features relied upon by Applicants are not in the claims. However, Applicants have not argued that the Office has failed to show each and every element of the claims as the Office mistakenly asserts; Applicants are arguing that there is no motivation to combine the references and that a careful reading of the Allen reference would lead one skilled in the art away from the present invention. The Office has not addressed this argument. Claims 1-71 are patentable under 35 USC 103(a) over Buckley et al. and further in view of Allen as there is no motivation to combine Buckley et al. and Allen to arrive at Applicants' invention. Applicants' invention is designed such that the composition remains on the surface of the skin and improves breast and nipple skin health. In direct contrast, the Allen composition is designed to penetrate the epithelial barrier and effect the fatty acid metabolism of the subcutaneous adipose tissue. Further, Applicants' composition is safely designed to be ingested by the suckling infant and in fact, can improve the health of the infant. On the contrary, the composition of Allen can be extremely harmful if ingested and thus, is not suitable for the intended use of the instant invention. Therefore, there would be no reason to look to Allen for combination with Buckley et al. to arrive at Applicants' invention. Further, Allen actually teaches away from the instant invention. See Applicants' Amendment A filed on October 6, 2003.

An interview was conducted on the above-identified application on Jan. 22, 2004.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Michele Kidwell
(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature)